

AO 440 (Rev. 8/01) Summons in a Civil Action

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040678

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

Eileen Polizzi, Fund Manager of Teamsters Local  
404 Health Services and Insurance Plan

SUMMONS IN A CIVIL ACTION

V.

N & B Express, Inc. and James Capelli

CASE NUMBER:

05 - 30183 - MAP

TO: (Name and address of Defendant)

N & B Express, Inc.  
20 Industrial Drive West  
South Deerfield, MA 01373  
→ c/o James Capelli  
29 January Hills Road  
Shutesbury MA

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Matthew E. Dwyer, Esq.  
Dwyer, Duddy and Facklam, P.C.  
Two Center Plaza, Suite 430  
Boston MA 02108

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**SARAH A. THORNTON**

CLERK

DATE

8/5/05

(By) DEPUTY CLERK

*M. M. M. M. M.*

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	09-06-05 @ 9:00 AM
NAME OF SERVER (PRINT) Peter Brulotte	TITLE	Deputy Sheriff
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: 20 Industrial Dr. N+B Express Inc So Deerfield, Ma		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
	\$ 44.40	\$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>09-06-05</u> <div style="text-align: center; font-size: small;">Date</div>	<u>Peter Brulotte - Franklin County</u> <div style="text-align: center; font-size: small;">Signature of Server</div> <u>466 Main St.</u> <u>Greenfield, Ma 01301</u> <div style="text-align: center; font-size: small;">Address of Server</div>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AUGUST 18, 2005

**QUICKSERV**  
ALLSTATE PROCESS SERVERS

**RETURN OF SERVICE**

*I this day SERVED the within named* N & B EXPRESS, INC.

*by delivering to*

(2) ATTEMPTS. NO STAFF PRESENT DURING  
BUSINESS HOURS. NO ANSWER AT  
TELEPHONE. COPY LEFT TAPED TO FRONT  
DOOR. PLEASE ADVISE.

*in hand, or*

*leaving at last and usual place of abode, to wit:*

No. 20 INDUSTRIAL DRIVE WEST

*in the* SOUTH DEERFIELD *District of said* FRANKLIN *County an attested*  
*copy of the* SUMMONS, VERIFIED COMPLAINT, NOTICE TO DEFENDANTS, AFFIDAVIT OF  
RONALD EASTON, AFFIDAVIT OF EILEEN POLIZZI, MOTION FOR APPROVAL OF TRUSTEE  
PROCESS FOR JAMES CAPELLI, MOTION OF TRUSTEE PROCESS OF N&B EXPRESS, INC.,  
AND ALLOWED MOTION FOR SPECIAL PROCESS SERVER

*Service and travel*

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*it being necessary I actually used a*  
*motor vehicle in the distance of*  
*75 miles in the service of*  
*this process*

*Kevin Kohler*

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Process Server